

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:05CR93
Plaintiff,)	
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

This matter is before the court on defendant's motion to continue trial. Filing No. 190. Defendant has filed two affidavits in support of his motion. Filing Nos. 191 and 192. Defendant now contends, two weeks before trial, that his stand-by counsel are ill-equipped to represent him at trial in this case, as they lack trial court experience. He has further represented that he has now retained trial counsel David A. Domina to represent him at trial. However, David Domina has not filed an entry of appearance in this case. Accordingly, the court shall deny defendant's motion at this time. However, if (1) David Domina files an entry of appearance, and if (2) defendant, in written pleading filed with this court, turns his defense at trial over to Mr. Domina and Mr. Domina is not stand-by counsel, and if (3) Mr. Domina requests a continuance, the court will reconsider this matter. If any of these three criteria are not complied with, the court will not consider a motion for continuance.

THEREFORE, IT IS ORDERED that defendant's motion for continuance, Filing No. 190, is denied at this time. It is further ordered that the Clerk of Court is ordered to serve a copy of this order on attorney David Domina.

DATED this 18th day of January, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE